

**Effective 5/13/2014**

**9-9-405 Review committee.**

- (1) There is created a Native American Remains Review Committee.
- (2)
  - (a) The review committee shall be composed of seven members as follows:
    - (i) four Tribal members shall be appointed by the director from nominations submitted by the elected officials of Indian Tribal Nations described in Subsection 9-9-104.5(2)(b); and
    - (ii) three shall be appointed by the director from nominations submitted by representatives of Utah's repositories.
  - (b) A member appointed under Subsection (2)(a)(i) shall have familiarity and experience with this part.
  - (c)
    - (i) A member appointed under Subsection (2)(a)(i) serves at the will of the director, and if the member represents an Indian Tribal Nation, at the will of that Indian Tribal Nation. Removal of a member who represents an Indian Tribal Nation requires the joint decision of the director and the Indian Tribal Nation.
    - (ii) A member appointed under Subsection (2)(a)(ii) serves at the will of the director, and if the member represents a repository, at the will of the Division of State History. Removal of a member who represents a repository requires the joint decision of the director and the Division of State History.
  - (d) When a vacancy occurs in the membership for any reason, the director shall appoint a replacement in the same manner as the original appointment under Subsection (2)(a).
  - (e) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
  - (f) The review committee shall designate one of its members as chair.
- (3) The review committee shall:
  - (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair and objective consideration and assessment of all available relevant information and evidence;
  - (b) review a finding relating to the following, subject to the rules made by the division under Subsection 9-9-403(6):
    - (i) the identity or cultural affiliation of Native American remains; or
    - (ii) the return of Native American remains;
  - (c) facilitate the resolution of a dispute among Indian Tribal Nations or lineal descendants and state agencies relating to the return of Native American remains, including convening the parties to the dispute if considered desirable;
  - (d) consult with Indian Tribal Nations on matters within the scope of the work of the review committee affecting these Indian Tribal Nations;
  - (e) consult with the division in the development of rules to carry out this part;
  - (f) perform other related functions as the division may assign to the review committee; and
  - (g) make recommendations, if appropriate, regarding care of Native American remains that are to be repatriated.
- (4) A record or finding made by the review committee relating to the identity of or cultural affiliation of Native American remains and the return of Native American remains may be admissible in any action brought under this part.

- (5) The appropriate state agency having primary authority over the lands as provided in Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access to:
  - (a) Native American remains under review; and
  - (b) associated scientific and historical documents.
- (6) The division shall provide reasonable administrative and staff support necessary for the deliberations of the review committee.
- (7) The department shall include in the annual written report described in Section 9-1-208, a description of the progress made, and any barriers encountered, by the review committee in implementing this section during the previous year.

Amended by Chapter 371, 2014 General Session